

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

MATTHEW CLARK,

Plaintiff,

VS.

THE BANK OF NEW YORK MELLON
TRUST COMPANY, NATIONAL
ASSOCIATION; fka THE BANK OF
NEW YORK TRUST COMPANY, N.A.,
AS SUCCESSOR TO JP MORGAN
CHASE BANK N.A., TRUSTEE, *et al*,

Defendants.

CIVIL ACTION NO. 2:13-CV-00009

ORDER

Before the Court is “Defendant’s Motion for Summary Judgment” (D.E. 7). Pursuant to Local Rule 7.3, opposed motions will be submitted to the judge 21 days from filing. The Motion was filed on March 28, 2013 and its submission date was April 18, 2013.

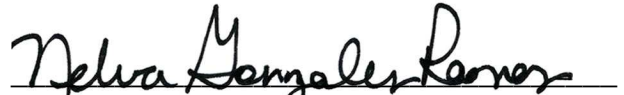
Respondent has not filed a response to the Motion. Pursuant to Local Rule 7.4, failure to respond is taken as a representation of no opposition to the relief sought. The Court finds that Respondent's default demonstrates a failure to prosecute his claims subject to the Motion.

The Court has further reviewed the Motion on its merits and finds that Defendant The Bank of New York Mellon Trust Company, N.A. is entitled to judgment that the remaining claim regarding the home equity mortgage lien being void is barred by limitations pursuant to *Priester v. JPMorgan Chase Bank*, No. 12-40032, 2013 WL

539048 (5th Cir. Feb. 13, 2013).

For these reasons, the Motion for Summary Judgment (D.E. 7) is GRANTED.

ORDERED this 22nd day of April, 2013.

A handwritten signature in black ink, reading "Nelva Gonzales Ramos", written over a horizontal line.

NELVA GONZALES RAMOS
UNITED STATES DISTRICT JUDGE